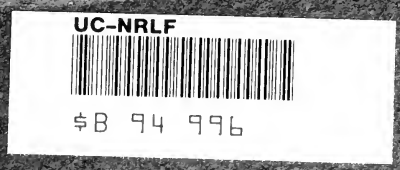

Constitutional Amendments

RELATING TO

LABOR LEGISLATION

AND

Brief in Their Defense

SUBMITTED TO THE

Constitutional Convention of New York State

BY A COMMITTEE ORGANIZED BY THE

American Association for Labor Legislation

June 9, 1915

PREFACE

Appreciating the importance of the work of the Constitutional Convention to the future progress of labor legislation in this state the American Association for Labor Legislation organized in November, 1914, the Committee on Labor Legislation and the Constitutional Convention of New York State, whose names appear on the opposite page. As a result of numerous meetings and the work of sub-committees, the committee unites in recommending to the Constitutional Convention the four amendments which follow. In determining the phrasing of these amendments the committee received valuable assistance from the Legislative Drafting Research Department of Columbia University, and particularly from Mr. Thomas I. Parkinson, Miss Dorothy Straus, and Mr. J. Craig Peacock. The reasons for our advocacy of these amendments are set forth in the following brief, which is the joint work of Dr. George M. Price, Mr. John A. Fitch, Dr. Howard Woolston, Irene Osgood Andrews, Miss Josephine Goldmark, and Professor Henry R. Seager. Great care has been taken by all of the collaborators to draw statistical and other information only from the most authoritative sources, and to quote the opinions only of those whose high standing or expert knowledge give them peculiar weight.

HENRY R. SEAGER, *Chairman,*
Committee on Labor Legislation and the Constitutional Convention of New York State

PROPOSED CONSTITUTIONAL AMENDMENTS

1. GENERAL AMENDMENT

Nothing contained in this constitution shall limit the power of the legislature to enact laws which the legislature declares to be necessary for the protection of the lives, health, safety, morals or welfare of employees.

NOTE.—Sec. 19, Art. 1, of the New York Constitution now contains the following: "Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health or safety of employees." The revision now proposed extends this provision so that it includes protection of the "morals or welfare" of employees. These words are added in order to make the provision more nearly conform to the phraseology of the courts in declaring the police power. The proposed revision also includes the words "which the legislature declares to be necessary." The principal purpose of these words is to leave as the only limitation on labor legislation the due process provision of the fourteenth amendment of the Federal Constitution. This change would leave unimpaired the duty of the courts to pass on the reasonableness or necessity of labor legislation, but would permit appeal to the Supreme Court of the United States and therefore bring about a uniform application of the due process restriction.

2. SOCIAL INSURANCE (INCLUDING WORKMEN'S COMPENSATION)

Nothing contained in this constitution shall limit the power of the legislature to enact laws for the payment or furnishing, either by employers, or by employers and employees, or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation or benefits, without regard to fault, for injuries, illness, invalidity, old age, unemployment or death of employees, or for the adjustment, determination or settlement with or without trial by jury of issues which may arise under such legislation.

NOTE.—This is a revision of the workmen's compensation amendment now forming the principal part of Sec. 19, Art. 1, of the Constitution. The revision omits unnecessary details contained in the original compensation amendment and inserts language intended to authorize the legislature to provide, by insurance or otherwise, for the employee's loss of earnings due to occupational diseases, illness, unemployment and the other causes stated, as well as for industrial accidents.

3. AMENDMENT OF SEC. 18, ART. 1

The right of action now existing to recover damages for injuries resulting in death shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation. This section shall not affect legislation providing compensation for injuries or occupational diseases of employees or for death resulting from such injuries or diseases.

NOTE.—The underscored words are added to the present constitutional provision. Their purpose is obvious; they take the place of an involved provision intended to accomplish the same purpose now contained in the compensation amendment. They make no change in substance in the present constitution.

4. SWEAT SHOPS

Nothing contained in this constitution shall limit the power of the legislature to enact laws prohibiting, in whole or in part, manufacturing of any kind in structures any portion of which is used for dwelling purposes.

NOTE.—This proposed amendment is intended to give the legislature power to deal with the problem of homework. Special provision is deemed desirable because homeworkers are not necessarily employees, but may be independent contractors. The power herein granted to the legislature may be exercised in the form of regulation or of prohibition. It is deliberately made as broad as possible in order that the legislature may have full power to deal, as circumstances warrant, with this troublesome problem.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF NEW YORK RELATING TO LABOR LEGISLATION

The people of the state look to the Constitutional Convention to accomplish two principal purposes:

(1) A simplification and clarification of the constitution.

(2) A reform of the organization and redefinition of the powers of the different branches of government which will make them more efficient and adequate for the promotion of their common interests.

The great majority of the people of the state are either employees or members of the families of employees. As regards their interests there has been one source of confusion and misunderstanding that has had most unfortunate consequences. This is the liability which laws intended for their protection are under to be attacked in the courts as unconstitutional. Wage earners do not as a rule understand the grounds which justify the courts in nullifying legislative acts. To them judges often appear to go out of their way to declare null and void labor laws which seem to them proper and necessary. They, therefore, easily come to the conclusion that courts exist not for the impartial administration of justice, but for defending employers from the justifiable demands of employees. Whether the resulting widespread prejudice against the courts is in any degree warranted or merely the result of ignorance and misunderstanding, it is a fact that must cause grave concern to every right thinking American. If by some change in our fundamental law it can be removed or even substantially lessened, such change merits the sympathetic consideration of the convention. Nothing but the well-grounded fear that it would impair the constitutional protection to our rights to life, liberty and the pursuit of happiness should prevent its adoption.

We believe that there is a way in which our state courts may be relieved from their present responsibility for passing finally upon the constitutionality of proposed labor laws with-

out relaxing in the least the requirement that such statutes must conform to due process of law. Moreover, we are convinced that an incidental result of following this way will be to give us a uniform and authoritative declaration of what constitutes due process of law, which will in time impress wage-earners as well as other citizens as fair and reasonable and gradually win them back to confidence in the impartiality of our courts and the integrity of our judges.

In large part the present hostility and suspicion have been the consequence of the anomalous situation resulting from the addition of the Fourteenth Amendment to the federal Constitution in 1868. The portion of that amendment declaring "nor shall any state deprive any person of life, liberty or property without due process of law" repeats substantially Section 9 of the Bill of Rights of our state constitution which says, "No person shall be deprived of life, liberty or property without due process of law." Although proposed and ratified primarily for the purpose of protecting from oppression the recently emancipated Negroes, the due process provision of the Fourteenth Amendment has been interpreted broadly, until now through it every state is effectually estopped from depriving persons of liberty or property in an arbitrary or unreasonable manner. The result is that there have been since 1868 two due process clauses to which New York legislation must conform—one authoritatively and finally interpreted by the United States Supreme Court, the other finally and authoritatively interpreted by the New York Court of Appeals. If these two tribunals always agreed as to what due process requires in connection with labor legislation, and if the views of the highest court of New York were always identical with the views of the highest courts of other states, which also have due process clauses in their constitutions, no harm would have resulted from this repetition. It would have been needless duplication, but without any special practical significance. But it is notorious that the courts have not agreed. Labor laws have been upheld in some jurisdictions as conforming with the due process requirement only to be condemned in other jurisdictions as not so conforming. In many cases the decision for or against has been by a bare majority of the judges trying the issue. Under these circumstances it is inevitable that wage-earners deprived of the protection which the legislature sought to extend to them,

perhaps by the adverse vote of a single judge, should feel that it is not impartial justice that is being dispensed, but the prejudices and preconceptions of the judges. Since judges are drawn usually from the class in society to which employers and property owners also belong, their inference that in rendering their decisions in labor cases judges are often swayed by class prejudice if not by class interest is at least understandable.

The expedient which we propose for simplifying and clarifying this situation is embodied in the following amendment:

1. General Amendment

"Nothing contained in this constitution shall limit the power of the legislature to enact laws which the legislature declares to be necessary for the protection of the lives, health, safety, morals or welfare of employees."

To appreciate the effect of this amendment emphasis should be put on the phrase, "Nothing in *this* constitution." So far as the state constitution is concerned it would leave the legislature quite free to enact such laws for the protection of employees as it deemed wise. Such laws would need, however, still to conform to the "due process" requirement of the Fourteenth Amendment of the federal Constitution. It would thus still be the duty of the state courts to pass on the question whether this due process requirement had been observed. There would be this important difference, however. If a state law were held not to be in conformity with the federal Constitution by the New York Court of Appeals, request might be addressed in accordance with the federal statute of December 23, 1914, to the United States Supreme Court for a review of the decision. That court might then "by *certiorari* or otherwise" cause the case to be advanced to it for consideration, and its decision for or against the constitutionality of the statute would be binding and final. This would mean that our Court of Appeals would either be fortified in its decision against a labor law by the weighty authority of the United States Supreme Court, or that it would be relieved of the onus of having nullified the action of the legislature by having its adverse decision set aside by a tribunal whose impartiality is much less likely to be called in question.

No one who has not followed closely the course of labor legislation in recent years and studied the decisions bearing on the question of the constitutionality of labor laws can appreciate how this change, if it had been made operative in all of the states twenty years ago, would have protected the courts from the suspicion in which they are now held by many, perhaps the majority, of wage earners and by not a few other citizens. Two illustrations must suffice. In 1896 the Supreme Court of Utah upheld as a valid exercise of the police power a Utah statute limiting the hours of work of employees in mines and smelters to eight a day (Holden *v.* Hardy, 46 Pacific 765). Two years later the reasoning of the Utah court was fully concurred in by the United States Supreme Court (Holden *v.* Hardy, 169 U. S. 366), and the view taken that in employments dangerous to life and health, like those specified, limiting hours to eight a day was a reasonable and proper police regulation. Encouraged by this outcome, the legislature of Colorado passed a statute identical with that of Utah. In 1899 the Supreme Court of Colorado in an elaborate opinion held that the act was unconstitutional by means of reasoning that at several points ran counter to that of the other judges. To secure this limitation in Colorado it was therefore necessary to enter upon the difficult and time consuming task of amending the state constitution so that the view taken by the court of the scope of the police power would be expressly set aside. This was one of the incidents in the long struggle which has made the relations between employers and employees in Colorado a by-word throughout the world. A large proportion of the wage-earners of the state honestly believe in consequence of this and other experiences that the courts of the state are administered in the interests of employers and are therefore quick to join in any revolutionary movement which promises the overthrow of established governmental authority. If the simple change which we advocate, together with the federal statute of last December, had been in operation, the decision of the United States Supreme Court in the Utah case would have been controlling, the miners of Colorado would have enjoyed the eight-hour day as did the miners of Utah, and government and the courts, instead of being viewed as instruments of injustice and oppression, would have commanded the confidence and affection of the majority of the citizens.

Another illustration comes nearer home. In 1910 the New York legislature passed the Wainwright compensation act. In the much discussed decision in the Ives case (201 N. Y. 271) our Court of Appeals decided unanimously that requiring the employer to pay compensation except on the ground of his negligence was taking his property without due process of law. If this same issue had not been unanimously decided in the opposite way within a few weeks by the Supreme Court of the state of Washington, which expressly dissented from the reasoning of our court about due process, the decision might not have called forth so much adverse comment. At it was, there is no doubt that a large majority of the more intelligent wage earners of the state viewed the decision as clear proof of the bias of the judges in favor of employers. They registered this opinion at the next election, as the vote cast for judges clearly showed, and by supporting enthusiastically the compensation amendment which has since superseded the decision of the Court of Appeals. The decision of our Court of Appeals was all the more irritating to advocates of compensation legislation because of the reference which our highest judges permitted themselves toward recent decisions of the federal Supreme Court. After quoting with evident disapproval the reasoning upholding the Oklahoma Bank act (219 U. S. 104) they declared, "We have only to say that if they go so far as to hold that any law, whatever its effect, may be upheld because by the 'prevailing morality' or the 'strong and preponderant opinion' it is deemed 'to be greatly and immediately necessary to the public welfare,' we cannot recognize them as controlling of our construction of our own constitution."

If the plan which we advocate had been operative in 1910 our highest state judges would never have laid themselves open to the charge of substituting their fallible human opinion as to what constitutes a reasonable and proper exercise of the police power not only for the opinion of the legislature, but for that of the judges of the United States Supreme Court. They would not have used the language which we have quoted because their decision would have been subject to review by the federal Supreme Court. There would have been no need of a compensation amendment because compensation legislation would either have been upheld, as it was in Washington, as conforming to the due process requirement, or held to be uncon-

stitutional under the Fourteenth Amendment, when no change in our state constitution could save it from condemnation.

It may be urged that this issue has now been settled and that there is no need of conferring larger powers on the state legislature in the field of labor legislation since all desirable labor laws have now been enacted.

To disprove this contention we venture to discuss at some length the reasons for holding that further labor legislation is needed or, before the next general revision of the constitution, will be needed along the following lines: (1) For the better protection of the lives and health of workers in dangerous trades; (2) for protecting adult men from excessive hours of work in trades where their own organizations have failed to afford them such protection; (3) for creating machinery for insuring the payment of minimum wages to certain classes of employees; (4) for bringing into operation adequate plans of social insurance; and (5) for putting an end to the sweating of home workers in our large centers of population. Legislation of the first three kinds will, we believe, be clearly authorized by Amendment I. To permit legislation of the last two kinds we propose three additional amendments, two authorizing compensation and social insurance legislation, and one the prohibition of home work.

NEED OF MORE ADEQUATE PROTECTION OF WORKERS IN DANGEROUS TRADES

There is a wide-spread demand for the better protection of workers in dangerous trades.

The demand is for various remedies, some of which have already been incorporated in legislative enactments, and others of which are as yet merely in the form of legislative proposals.

Analysis of these remedies shows that they may be divided into two groups:

(1) Remedies affecting the employers, which might possibly be held to involve violation of due process as regards property rights.

(2) Remedies affecting the employees, which might possibly be held to involve violation of due process as regards personal liberty.

A mere enumeration of these two classes of remedies must serve to make clear the difficulty of the problem and the need of a wide field for legislative and administrative experiment if the best results are to be secured.

Prospective Legislation on Dangerous Trades Affecting Employers

(1) Licensing industrial establishments, processes and whole industries; (2) Compulsory provision of safety, sanitation and medical appliances; (3) Provisions for employment of medical officers and organization of a medical supervision; (4) Provisions for a preliminary and periodical examination of employees; (5) Provisions for three or even four shifts during twenty-four hours; (6) Provisions for shortening the hours of labor according to the dangers in the industries and processes; (7) Prohibition of the use of certain poisonous materials and processes in industries; (8) Prohibition of certain industries or industrial processes which cannot be improved or protected.

Prospective Legislation on Dangerous Trades Affecting Employees

(1) Compulsory physical examination and medical certification of every worker before entering certain hazardous trades; (2) Prohibition to work in certain trades for all workers below a certain physical standard; (3) Compulsory wearing of certain apparel, like respirators, etc., for their own protection; (4) Prohibition of the use of alcohol and other substances while occupied in certain dangerous trades; (5) Prohibition of working beyond a certain length of time, daily, weekly or yearly.

While in New York we are only at the threshold of affording adequate protection to wage-earners in dangerous trades, European experience shows how much may be accomplished by judicious regulations intelligently enforced. We believe that opportunity to profit by the special knowledge and experience that are available in this field would clearly be given the state legislature by our first amendment.

NEED OF REGULATION OF HOURS OF LABOR FOR ADULT MALES

Existing Conditions

Unregulated hours of labor mean overwork. There is a general belief that the tendency in this country is everywhere toward shorter hours of labor. A study of the situation demonstrates that this belief is not justified by the facts. While there is a marked tendency in certain industries and in certain localities toward an eight-hour day, that tendency is not universal and there are large and important industries, some of the most important of them being largely represented in New York, in which there is no movement whatever toward a shorter work day but instead the standards of fifty years ago are maintained.

Extent of the Evil

The two tables reproduced as Appendix II of this Brief are compiled from Volume X of the 1910 Census Reports. Table I shows the industries where a considerable proportion of the employees are working respectively 60 hours, 60 to 72 hours, and 72 hours and over per week. Table II, the figures being drawn from the same source, shows the number of employees in New York engaged in these same industries and the proportion that New York employees bear to the total in the country.

Conditions in the United States as a Whole

It appears from these figures that 85 per cent of all employees in blast furnaces in 1909 worked 72 hours or more per week. The same schedule of hours was followed by 21 per cent of the steel workers, 18 per cent of the workers in flour mills, 65 per cent of those engaged in ice manufacturing, 57 per cent of those in glucose and starch factories, 95 per cent of the workers in sugar refineries, 15 per cent of those in chemical plants, 44 per cent of the workers in acid factories, 18 per cent of the petroleum workers, 57 per cent of the gas workers and 21 per cent of the paper workers.

These are but a fraction of those working 60 hours or more per week. Taking only those industries where the hours of labor ran 60 hours or more for at least 50 per cent of the working force, we have oilcloth and linoleum 52 per cent, blast fur-

naces 99 per cent, steel works and rolling mills 68 per cent, wire 56 per cent, slaughtering 73 per cent, butter, cheese and milk 76 per cent, flour mills 79 per cent, ice 90 per cent, glucose and starch 98 per cent, salt 83 per cent, sugar 95 per cent, canning and preserving 80 per cent, lumber 80 per cent, chemicals 56 per cent, explosives 87 per cent, fertilizer 93 per cent, essential oils 74 per cent, acids 88 per cent, coke 64 per cent, gas 88 per cent, turpentine 52 per cent, paper 71 per cent, brick and tile 69 per cent.

These figures, limited to manufacturing plants alone, indicate that there is a vast amount of employment involving 10 hours a day and over. The column "72 hours and over" leaves room for speculation as to the maximum limits of the working day. A 60-hour week of course means 10 hours a day and a 72-hour week means a 12-hour working day.

In this list the transportation industries are not included. Sixteen hours a day is the maximum that a railroad employee engaged in the operation of trains can legally be employed. The record of actions brought by the Interstate Commerce Commission against railroads for exceeding this 16-hour limit indicates the extent of inhuman hours of labor in that field. Hours of labor on street car lines extend to enormous periods of overtime by the swing run system which employs a man for a few hours during the rush hour in the morning and then lays him off to wait until the rush hour in the evening, when he is to complete his working day. There is nothing that he can do in the interim. He must be on call. Usually he cannot go home. His actual working day extends from the time he starts work in the morning until he is through with his last trip at night.

Conditions in New York

Specific figures for hours of labor in New York are conspicuously lacking. In 1912 a witness before the New York Factory Investigating Commission quoted statistics compiled from the records of the New York Department of Labor. This statement appears in the report of the Commission for 1912, Volume I, pages 777-778, and is in part as follows:

"Out of a total of 1,138,965 wage earners in factories in New York reported to the Factory Inspection Bureau in 1909, 30,467 were reported as working in excess of 63 hours per week. This is 2.67 per cent of the total

number of wage earners reported . . . Those wage earners who work in excess of 63 hours per week varied generally in time of their weekly employment from 65 hours to 119 hours; the former indicating 10 hours of regular work for 6 days and a half day on Sunday, the latter indicating an average of 17 hours per day for a full 7 days per week. The latter schedule existed in a certain canning establishment."

The best indication of the existence of long hours of labor in New York is contained in the United States Census figures quoted in the two tables submitted with this report. Table I shows that in blast furnaces 99 per cent of the employees work 60 hours and over per week and 91 per cent work 72 hours or more. It shows that for a fifth of all steel works employees the weekly hours of labor are 72 or more, and that 68 per cent work 60 hours or over. Table II shows that iron and steel manufacture is one of the big industries of New York. In 1910 there were 2,298 men employed in blast furnaces in this state and 10,091 in steel works and rolling mills. A private investigation made in 1910, the results of which were published in *The Survey,* disclosed the fact that the hours of labor in the iron and steel industry in New York are fully as long as anywhere else in the country. As a matter of fact, the expression in the census tables, "72 hours or over," as far as blast furnaces are concerned, means 84 hours a week—12 hours for every one of the seven days.

Industries where 50 per cent or more of the employees work 60 hours or over every week employ many thousands of work people in New York. In oilcloth and linoleum, with 52 per cent working 60 hours, over 1,000—21 per cent of all in the country—are in New York. In this state are employed more than 1,000 in wire mills, over 5,000 in slaughter houses, 2,800—15 per cent of the industry—in dairy industries, 2,900 in flour mills, 1,100 in ice factories, 1,500 in salt works, 5,700 in chemical factories, 6,900 in gas works, 12,000 in paper and pulp mills, and 8,000 in brick works. In all of these industries, as Table I shows, more than 50 per cent of the employees work 60 hours or more per week.

The United States Census does not give the number of employees in New York in sugar refineries—an industry where, as the census does show, 95 per cent of the employees work 72 hours or over each week—but there are large and important refineries in the state.

The tables quoted are inadequate because they stop at 72 hours a week. There is no intimation given of the 84-hour week which marks the continuous industries. Eighty-four hours means 12 hours a day, 7 days a week. Industries where the 7-day week prevails to a greater or less extent are blast furnaces and steel mills, ice factories, sugar refineries, chemical factories, coke ovens, paper and pulp mills and gas plants. These industries, as Table II shows, employ thousands of workers in New York.

Most of these industries are continuous for technical reasons. Many industries operate 7 days a week, however, on account of public necessity, as in the case of gas plants, or for commercial reasons alone. Blast furnaces operate continuously 7 days a week for technical reasons. It will be noted from Table II that the working hours of 85.9 per cent of employees in blast furnaces were "72 hours and over." As stated above, their working hours were 84 per week, 12 hours each day in the 7.

Most of the work done in steel works and rolling mills has no technical requirements necessitating seven-day labor. Nevertheless, such labor is often required. A report made to the Senate by the United States Bureau of Labor on *Conditions in the Bethlehem Steel Works* in 1910 (Senate Document No. 521, 61st Congress, Second Session) showed that out of 9,184 men on the pay roll in January, 1910, 4,041, or 43 per cent of the entire pay roll, worked 7 days a week. A majority of these men were in departments which were thus operating for commercial reasons alone, that is to facilitate the production of steel.

These figures are given for a plant in another state only to indicate to what extent unregulated hours of labor may go. Figures for 7-day labor in New York State are no more available than they are for hours of labor. In 1910, however, the New York State Bureau of Labor Statistics received reports from the secretaries of labor unions regarding the number of days per week on which their members were customarily employed. The membership of the unions reporting was 335,814. Of these 35,742 were reported as working 7 days a week.

The continuous industries involve, therefore, the problem not only of the length of the working day but the length of the working week. The length of the working day is the more serious problem because of the large number of workers involved in it. There are industries which are continuous through 6 days of the week but which are closed down over Sunday.

There is no easy solution of this problem. In a continuous industry there can be no experiments with 10 hours or 9 hours. No adjustment is possible excepting to have two shifts of men each working 12 hours or three shifts of men each working 8. In that way alone can the full 24 hours of the day be provided for. It is for this reason that working hours in the continuous processes were fixed at 12 at the very outset and, for the most part, they have so remained. In a report by the United States Bureau of Labor, based on an investigation conducted in 1910 and covering 172,671 employees in blast furnaces, steel works and rolling mills in the United States, it was stated that 43 per cent of the total number work 12 hours a day for either 6 or 7 days a week. As shown above, more than 12,000 men are engaged in these industries in New York.

The Effect on Society of Unregulated Conditions

Excessive hours of labor, such as a 12-hour day even if for 6 days in the week instead of 7, can have no other effect ultimately than a breakdown of physical and moral qualities, and consequently a destruction of healthy citizenship.

Such an opinion has frequently been expressed by judges in the highest courts of the land. For example, in People *v.* Havnor (149 New York 195) the court said:

"It is to the interest of the state to have strong, robust, healthy citizens, capable of self-support, of bearing arms and of adding to the resources of the country. Laws to effect this purpose by protecting the citizen from over-work and requiring a general day of rest to restore his strength and preserve his health have an obvious connection with the public welfare."

In Hennington *v.* the State (90 Georgia 396) we read:

"Leisure is no less essential than labor to the well-being of man. Short intervals of leisure at stated periods reduce wear and tear, promote health, favor cleanliness, encourage social intercourse, afford opportunity for introspection and retrospection and tend to a high degree to expand the thoughts and sympathies of people, enlarge their information and elevate their morals . . . Without specific leisure the process of forming char-

acter can only be begun; it can never advance or be completed; people would be merely machines of labor—nothing more."

And, more recently, the following statement was made by the Mississippi Supreme Court in State *v.* J. J. Newman Lumber Company (59 So. Rep. 923):

"The concentration of the human mind and muscle for many consecutive hours upon the watching and manipulation of rapidly moving machinery tends to weary the body of the worker, and to weaken his reasoning faculties, and, ultimately, to impair his physical and mental efficiency."

In the same decision the court refers to "the inalienable right to rest."

Present Status of Legislation

Nearly all of the states have laws requiring the observance of the Sabbath. These laws have been ineffectual in securing to workers a day of rest for the reason that, designed for religious purposes, they were inadequate when called upon to meet the test of modern industry. It came to be apparent that some work must be done on Sunday. Therefore, exceptions began to be written in these laws which practically nullified them so far as they operated to the protection of the worker. Consequently a new type of legislation has been proposed in recent years under the name of laws requiring "one day of rest in seven." These laws, which have been enacted in New York and in Massachusetts, and are being urged elsewhere, provide that if an employee is required to work on Sunday he must be given a day of rest on some other day in the week.

Regulation by law of daily hours of labor has three distinct phases. When the government sets out to determine hours of labor for employees on public work no constitutional question is involved because as employer it has the same right as other employers to determine the conditions under which it will offer employment. In New York as well as in most of the other states, and under the federal authority, hours of labor of employees on public work are regulated by law.

The second phase of legislation regarding hours of labor is in private employment where regulation is considered necessary in order to protect the public. An example of this form of legislation is in the laws regulating employment on railroad trains, which are to be found on the statute books of practically every state in the union.

The third phase is in general private employment where, if laws are passed, they are for the protection of the employee. In various western states laws have been enacted regulating hours in mines and smelters. These laws have been sustained in the Supreme Court of the United States on the ground that the nature of the employment is unhealthful and dangerous. There have been other restrictions as to hours of labor in several states upon specific industries. Only one of these has so far reached the Supreme Court of the United States. In New York some years ago a law was passed limiting the hours of labor in bakeries to 10 per day. This law was upheld by the Court of Appeals of New York in the case of People *v.* Lochner. It was declared unconstitutional by the Supreme Court of the United States in the case of Lochner *v.* New York.

There are on the statute books of New York at the present time the following laws regulating hours of labor for adult males:

(1) A provision that 8 hours shall constitute a legal day's work. This is meaningless and without effect because it provided that contracts may be made for overtime.

(2) Hours of labor in brick yards are limited to 10 per day. This also is meaningless and ineffective because of a provision that "overwork and work prior to 7 o'clock in the morning for extra compensation may be performed by agreement between employer and employee."

(3) Hours of labor on street and elevated railroads is limited to 10 per day.

(4) Hours of labor for men engaged in the movement of trains is limited to 16 hours per day.

(5) Hours of labor for telegraph and telephone operators and signal men having to do with the operation of trains is limited to 8 per day, and if they are employed continuously they must have 2 days of rest in each month. This law has been declared unconstitutional by the United States Supreme Court as conflicting with legislation regarding interstate commerce which had previously been enacted by Congress limiting such employment to 9 hours per day.

Inadequacy of Present Legislation

Such legislation as we have has, therefore, either been nullified or has established standards of such a character that

they afford little if any protection to the wage earner. Not only is this true but no legislation whatever is now in effect limiting daily hours of labor of men in factories, in spite of the fact that the New York Court of Appeals in the case of People *v.* Klinck in its decision rendered on February 5, 1915, said:

"These are they who work in factories and mercantile establishments. We know as a matter of common observation that such labor is generally indoors and imposes that greater burden on health which comes from confinement, many times accompanied by crowded conditions and impure air. Thus special conditions are presented which become a reasonable basis for special consideration."

Standards Adopted by Other Organized Bodies or by Expert Authorities

Resolutions

"Resolution I:

"(a) In view of the facts which have been placed before the Commission, we are of opinion that the eight hour shift in continuous industries (industries working night and day) is the best shift system for such work, and should be strongly recommended both from the pont of view of the physical and moral welfare of the workers and in the social and economic interests of society generally.

"(b) The special reports presented by the different national sections have shown that in the iron and steel industries the eight-hour day is very necessary and is practicable." (Resolutions adopted by special commission of the International Association for Labor Legislation on Hours of Labor in the Continuous Industries, June, 1912, London.)

"A 12-hour day and a seven-day week are alike a disgrace to civilization . . . There should be laws requiring three shifts in all industries operating 24 hours a day and there should be laws requiring one day of rest in seven for all workmen in seven-day industries." (*Federal Council of Churches of Christ in America. Report of Special Committee concerning the Industrial Conditions of South Bethlehem, Pa.,* 1910.)

Expressions of Opinion by Employers, Manufacturers, Officials and Students

The United States Bureau of Labor in its report on the steel industry stated that in 1910, out of 173,000 workmen covered by the report, 29 per cent were working 7 days a week and over 60 per cent were working 12 hours a day. Commenting on these facts, the Committee on Education and Labor of the United States Senate said in 1912:

"According to the dividends paid, as shown by the reports of the United States Steel Co., there was certainly little reason for this exacting service. Every right-thinking American citizen must take pride in the prosperity and the success of our business concerns, as their prosperity is indispensable to the success and the prosperity of the people generally. But when such enormous wealth is amassed, partly, at least, through such a cruel and brutal system of industrial slavery, this Government is bound, in its own defense, for its citizenship and its life, to interpose between the strong and the weak and exert its influence both moral and legal to rescue its citizenship from such conditions. No man can meet the obligations and discharge the duties of citizenship in a free government who is broken in spirit and racked in body through such industrial peonage. Even in the strength of his early manhood he has not the opportunity or time to prepare himself for the duties of citizenship, and before he has reached the prime of life under such conditions, sodden in mind and broken in health, he is cast off as a useless hulk—a burden and a curse to society and a menace to the Government. It is just as much the duty of the Government, when it can do so, to protect its citizens from such outrageous treatment as it is to protect a citizen from the burglar or the highwayman. Everyone knows and everyone is willing to discuss what the duty and obligations of the citizen are toward the Government. But one of the propositions which can no longer be postponed in this country is: What is the duty of the Government toward the citizen? If these laws regulating the hours of labor come, therefore, they come not simply because laboring men ask for them; they come because conditions in the industrial world make it impossible to ignore that request." (*Report submitted by* MR. BORAH, *Committee on Education and Labor, to the Senate, Report No.* 601, *62d Congress, 2d Session.*)

"Whether viewed from a physical, social or moral point of view, we believe the seven-day week is detrimental to those engaged in it. . . .

"We are of the opinion that a twelve-hour day of labor, followed continuously by any group of men for any considerable number of years means a decreasing of the efficiency and lessening of the vigor and virility of such men.

"The question should be considered from a social as well as a physical point of view. When it is remembered that the twelve hours a day to the man in the mills means approximately thirteen hours away from his home and family—not for one day, but for all working days—it leaves but scant time for self-improvement, for companionship with his family, for recreation and leisure. It is important that any industry be considered in its relation to the home life of those engaged in it, as to whether it tends to weaken or strengthen the normalness and stability of family life. By a reasonable conserving of the strength of the working population of to-day may we be best assured of a healthy, intelligent, productive citizenship in the future." (*Report of Stockholders' Committee to the United States Steel Corporation on Labor Conditions within the corporation, submitted April,* 1912.)

"I feel satisfied that any careful comparison would convince any steel manufacturer of the wisdom of operating on three eight-hour shifts, purely

from an economic standpoint . . . the basic principle is absolutely sound, and rests on the incontrovertible fact that you cannot expect any man to give you the best that is in him when you keep him employed without intermission for twelve hours per day seven days per week at work making a heavy demand upon his mental and physical powers, under conditions of high temperature such as obtain on a furnace floor. To expect the best results under such circumstances is folly." (*Address by* R. A. BULL *of the Commonwealth Steel Company, Granite City, Ill., at convention of American Foundrymen's Association, Buffalo, September,* 1912.)

"In my judgment, a large proportion of the steel workers who, from early manhood, work twelve hours a day, are old men at forty. This is particularly true of those exposed to great changes of temperature. . . .

"I believe the advantages to be derived from more efficient, because less exhausted, workmen will, to a great extent, offset whatever additional cost may be involved; but aside from this, I am of the opinion that the steel companies can to-day afford to change from a twelve-hour to an eight-hour day in all those processes which are necessarily continuous." (WILLIAM B. DICKSON, *former vice-president United States Steel Corporation, The Survey, January* 3, 1914.)

"I have had practical experience in paper making. I worked for years in a paper mill when I was a boy, both on the thirteen-hour shift and on the eleven-hour shift, nights and days. I know from practical experience what it means to work thirteen hours from six o'clock at night until seven o'clock the next morning one week, and from seven in the morning till six at night, eleven hours, the next week, year in and year out. I know that this sort of work is intolerable, and I speak with deliberation and with knowledge. It is intolerable, not only because of the number of hours, which under any condition of labor would be excessive, but also because in many paper mills the conditions of work are severe and trying. . . .

"It wouldn't take much better spirit or much better physical capacity on the part of the men to produce enough better and enough more paper in any paper mill to make up the difference between the labor cost of three-tour as against two-tour systems. Furthermore, if it is necessary for any mill in order to exist to employ men seventy-two hours a week year in and year out, then the sooner that mill is removed from the state and the country the better for the men and women of the country." CHARLES SUMNER BIRD, *president F. W. Bird & Son, paper manufacturers, The Survey, January* 3, 1914.)

We submit that these facts and opinions justify our contention that further legislation regulating the hours of labor of adult males is needed in this state. We believe power to enact such legislation would be conferred on the legislature if our first amendment were adopted.

THE NEED OF MINIMUM WAGE LEGISLATION

Existing Conditions

Half the unskilled workers in New York State do not make enough to sustain themselves independently nor to support their families properly.

Extent of Underpayment

During the fall, winter and spring of 1913-14 the Factory Investigating Commission examined the pay rolls of over 2,000 stores and factories throughout this state. Out of 57,000 women and girls employed, its Fourth Report shows that 34,000 (60 per cent) received less than $8 in a typical week. Out of 14,000 married men, 7,000 (50 per cent) got less than $15. Promotion is slow and uncertain. Half the women of thirty get less than $8 a week. Half the skilled female operatives receive less than $10 after twenty years of experience. Seasonal fluctuations annually displace from 10 per cent to 50 per cent of the normal working force. Half the workers remain less than three months with the same firm. Two-thirds of the women interviewed averaged a month of lost time during the preceding year. Even the steady and skilled women workers do not average as much as $8 a week throughout a year.

The following table from the federal *Report on Women and Child Wage-Earners in the United States,* Vol. V, pp. 12-21, shows the female wage-earners in New York City living at home who contribute to the family fund:

		Per cent contributing		
Where working	*Total reporting*	*All earnings*	*Part*	*None*
Stores	344	84.3%	11.9%	3.8%
Factories	1,532	88.1%	11.3%	.6%

Home Conditions

"Of 6,000 women workers investigated by the Factory Commission throughout New York State, two-thirds were found living with their families, one-sixth were staying with friends or relatives, and one-sixth were boarding with strangers or living alone in furnished rooms. . . .

"In many cases there is no male wage-earner in the family. Seventy-five per cent of the breadwinners turn over all or a part of their earnings to help their relatives. About one-quarter (mostly young persons) are partly supported by their families." (*Fourth Report, New York State Factory Investigating Commission.*)

Evils of Low Wages

Low pay entails privation and suffering upon workers and their families. Wages determine standards of living. If the earnings of breadwinners will not secure for them and their families sufficient food, decent clothing and proper living conditions, then the health and morality of the workers is threatened and the strength of the coming generation is imperiled.

Bad Effect of Low Wages on the Health of Women

The dangers to the health of women from low wages are twofold: (1) lack of adequate nourishment, and (2) lack of medical care in sickness. With insufficient wages, food is cut down below the level of subsistence. In order to meet expenses for lodging and clothing, working women reduce their diet to the lowest possible point. Health inevitably suffers. They are often without care in sickness, although their power of resistance is lessened by hardship.

"'When I pay seven cents for lunch, I'm extravagant,' remarked a girl in a large department store in Buffalo."

"'Sometimes I just long for a good thirty-cent meal,' said one girl who was earning $6 a week. 'But I never have the price of it in my pocketbook. I get so tired of those twenty-cent dinners year in and year out, that often I think I'd rather not eat at all.'" (Esther Packard, *The Survey*, Feb. 6, 1915.)

"A girl whose wage rate is $7.50 a week and whose actual earnings do not average more than $6.90, must be poorly housed, insufficiently fed and meagerly clothed. Any need for a doctor or dentist, any call to help needy relatives, must result in actual deprivation." (*Third Report, New York State Factory Investigating Commission, p.* 157.)

"This custom of 'letting it go on' is undoubtedly one of the many explanations for the anaemic condition of so many working girls. They cannot visit the dentist's office every few months and have their teeth regularly overlooked, they are not able to visit the doctor's whenever a new symptom of disease manifests itself, but they do let it 'run on' until the condition becomes serious." (*Fourth Report, State Factory Investigating Commission, Appendix "Living on Six Dollars a Week."*)

Bad Effect on Morals

Authorities agree that while the underpayment of women and consequent struggle to live may not be the primary cause for entering upon an immoral life, it is one of the most important con-

tributing factors. When wages are too low to supply nourishment and other human needs, temptation is more readily yielded to.

"The acceptance on the part of the girl of almost any invitation needs little explanation when one realizes that she often goes pleasureless unless she accepts 'free treats.' Low wages and vice are by no means constant companions, but the lack of any spending money and the acceptance of the doubtful invitation certainly do go hand in hand quite frequently." (*Fourth Report, State Factory Investigating Commission, Appendix, "Living on Six Dollars a Week."*)

"It was generally agreed that while it is the rarest of things for a girl to enter upon an immoral life directly through want, yet when she has once gone wrong then low wages or irregular or insufficient wages are strongly effective in deciding her to adopt a life of promiscuous immorality. When the question was shifted to the indirect effect of low wages and poverty, the answer was very different. Poverty, whether it be the result of a low family income or of insufficient wages for a girl living by herself, touches the question of immorality in many ways. It decides the girl's companionship, her amusements, her ability to gratify without danger her natural and reasonable tastes, her very capacity for resistance to temptation." (*Report on Condition of Woman and Child Wage-Earners in the United States;* Vol. XV. *Relation Between Occupation and Criminality of Women,* p. 93.)

Business Conditions

No Standard of Wages

There are no well-defined standards for estimating the earning capacity of unskilled labor. Many firms pay wages 25 per cent above their competitors. The proportion of labor cost to all expenses varies. Some employers believe that it is economy to pay high wages, because they thereby secure better service and so obtain a greater output at less cost per unit. Others pay no more than is necessary to fill the position. To them labor is "worth as much as they agree to give."

"In order to earn fifteen cents an hour a 'stripper' must paste paper on the sides of about 150 boxes. That is, she must turn out one every twenty-four seconds. To earn the same amount, a 'hand-dipper' must coat about fifteen pounds (some 720 pieces) of cream candy with chocolate, or one piece every five seconds. A deft cuff-setter will, during the same hour, earn her fifteen cents by attaching wristbands to the sleeves of eighteen shirts. That is, finishing a garment in approximately three and a half minutes. Meanwhile a hand ironer in a laundry will earn 25 cents by pressing four plain shirts. It is difficult to see the precise equivalence of these operations." (Howard B. Woolston, *"Wages in New York," The Survey, Feb.* 6, 1915, *p.* 511.)

Labor Organization

The competition of young women who live at home and of immigrants with low standards of living depresses the level of wages. The ignorance and prejudice of workers prevents organization, and the pressure of necessity compels them to accept the pittance they are given. No effective unions exist in the occupations studied.

Low Labor Cost

In the confectionery trade the wage amounts to about 12½ per cent of the total cost. If the wages were raised 10 per cent, the total cost would be increased 1-1/3 per cent. Assuming that the average cost of producing a pound of candy is 12½ cents, an increase of 1-1/3 per cent would amount to less than two mills additional per pound to the consumer.

"The selling of a 98-cent or 99-cent article for $1 would make it possible to raise the wages of 45,000 women and girls in mercantile establishments employed at less than $5 a week to $6 for those under 18 and $9 a week for those over 18." (HOWARD B. WOOLSTON, *"Wages in New York," The Survey, Feb.* 6, 1915, *p.* 511.)

Wages and Efficiency

"The important factor in labor cost is not the rate of wage, but the rate of output. It is not what you pay, but what you get for what you pay that counts." (WM. C. REDFIELD, *House of Representatives, 62d Congress, 2d Session, p.* 1941.)

"The Report of the Tariff Board demonstrated the fact that in spite of her 15 to 40 cents a day spinners and weavers, Japan's cost of production of cotton cloth was higher than that of the United States." (N. I. STONE, *Review of Reviews, Oct.,* 1913, *p.* 438.)

STANDARDS ADOPTED

Labor Legislation

The police power of the state permits all measures necessary to protect lives, health and morality of its people. In accordance with this principle the state has enacted laws safeguarding the welfare of workers from the dangers of undue exposure to hazard in industry and has protected women and children against the perils of night work and long hours of labor. Thus the community is protected against irreparable harm.

The welfare of the workers is necessarily dependent upon their ability to support themselves and live decently upon the returns of their work. Safeguards in factories are not substitutes for adequate wages.

"Every argument put forward to establish or to sustain the maximum hours law applies equally in favor of the minimum wage law as also within the police power of the state and as a regulation to guard the public morals and the public health." (*Decision of Oregon Supreme Court, Stettler* v. *O'Hara, March* 17, 1914.)

Minimum Rates in Effect

Private firms, labor unions and public corporations have for years fixed rates below which no person is regularly employed. The federal, state and municipal administrations have established scales for the salaries of public servants. Contractors upon public works have been obliged to pay fair wages to their employees, and the adjustment of rates in the case of public service corporations has been made the subject of mediation by public authorities.

Cost of Living

In Washington, Oregon, Minnesota and Massachusetts, wage commissions have fixed minimum rates, necessary to maintain the health and welfare of adult women workers, at from $8 to $10, according to occupation and locality. It is therefore disquieting to find that half of the employees studied in New York receive less than the lowest amount mentioned.

The investigations of Mrs. L. B. More (*Wage Earners' Budgets*), Dr. R. C. Chapin (*The Standard of Living*), Professor Frank Streightoff (*The Standard of Living*), Miss Louise M. Bosworth (*The Living Wage of Women Workers*), Miss Caroline J. Gleason (*Reports to the Industrial Welfare Commissions of Washington and Oregon*), and the federal report on the *Condition of Women and Child Wage Earners in the United States,* all agree that from $8 to $10 a week is necessary for an independent adult worker, and from $15 to $20 for a man with a wife and three small children.

Minimum Wage Legislation

Australasia

Wages have been regulated by law in New Zealand since 1894 and in Victoria since 1896. Similar legislation has been enacted in New South Wales, West Australia, South Australia,

and by the Australian Commonwealth for interstate industries. Within nineteen years wage boards in Victoria have been extended by the request of employers and employees to 141 trades. Sweating has been practically eliminated, wages have increased, business has prospered and the majority of employers express themselves as unwilling to return to the old order of unrestricted competition with low-paid labor. (*See* IRENE OSGOOD ANDREWS, *Minimum Wage Legislation, pp.* 53-65.)

England

"In 1910 Parliament established wage boards in four low-paid trades and in 1913 extended the measure to four others. In 1912 it enacted minimum wage legislation for all underground workers in coal mines. Experience has been too brief to permit of broad generalization, but in the chain-making industry, before the present war broke out, wages had been increased 100 per cent, unorganized workers had been brought together, and the business was flourishing." (TAWNEY, *Wages in the Chain-Making Industry.*)

United States

In 1912 Massachusetts enacted a law providing for a commission and wage boards to determine minimum rates of payment for women and minors. In 1913 similar measures were adopted by eight other states, and in 1915 several more states passed such legislation. In California, Kansas, Oregon, Washington and Wisconsin the commission was empowered also to fix hours and conditions of labor for women and minors. In most cases the basis for determining a minimum wage is the necessary cost of living to maintain the worker in health. In Arkansas and Utah flat rates have been fixed for female workers. In Massachusetts, Wisconsin and Nebraska the commission must appoint an advisory board for each trade to aid in fixing the rates; in the other states this method is not required. The laws of Colorado, Massachusetts and Nebraska require the financial condition of the business to be considered in making the award; the other states do not. Massachusetts and Nebraska provide for enforcement of the findings by publishing the names of those who do not comply; the other states prescribe penalties in the form of fines, imprisonment, or both. The Ohio constitutional convention of 1912 empowered the legislature to fix working hours and wage rates, which would apparently include men as well as women.

Experience in the United States has for the most part been too brief to allow the working of these laws to be adequately observed,

but those who have investigated the question draw favorable conclusions.

"The sequence of it all is that there are vastly more women workers in the state of Washington to-day receiving a living wage than there were two years ago when the law was enacted; that there are more higher paid girls now than there were then; that the whole wage standard, together with the standard of efficiency and discipline, has been raised; that industry itself has been taught the lesson that higher paid workers are better workers." (*First Biennial Report of the Industrial Welfare Commission, State of Washington, p.* 13.)

"The rates of pay for women as a whole have increased. Wherever the wage rates of old employees were affected by the minimum wage rulings, they were benefited. Some women, upon reinstatement after an absence, had been compelled to accept the rate to which they were legally entitled, a rate below that received during their earlier services. The average rates of pay of minors and experienced women have increased, that of inexperienced adults decreased slightly. More girls under 18 years received over $6 after than before the minimum wage determinations. Among the experienced women not only the proportion getting $9.25, but those getting over $9.25 have increased. The proportion of the force receiving over $12 has also increased, although the actual number have decreased but not in the same degree as the decrease in the total force. . . .

"No evidence of decreased efficiency among women affected by the wage rulings could be discovered. The numbers for whom comparable data on this subject could be secured were too limited, however, to warrant conclusions.

"All the changes arising from decreased business, reorganization of departments and increased rates and earnings resulted in an increase in the female and also the total labor cost of three mills per dollar of sales. This increased cost was not distributed equally among stores or among departments in the same stores. The female labor cost varied from an 8-mill increase in Portland neighborhood stores to a 1.2-cent decrease in Salem stores.

"Business conditions reduced the number of women employed. The majority of those who remained and were affected by the minimum wage were benefited in rates of pay and also in average earnings. Those to whom the minimum wage determinations did not apply sustained no losses chargeable to these rulings." (*From a forthcoming report of the United States Bureau of Labor Statistics in the Operation of the Oregon Minimum Wage Law. Quoted by permission of Commissioner Royal Meeker.*)

In view of the distressing conditions due to low pay which we have shown to exist in this state, and upon the basis of the experience elsewhere with minimum wage legislation which we have described, we urge that the first amendment we propose be adopted so that the power of the legislature to enact minimum wage legislation will be put beyond question as far as the state constitution is concerned.

THE NEED FOR SOCIAL INSURANCE LEGISLATION

The wide-spread demand for social insurance is due primarily to the industrial revolution of the nineteenth century. From a régime of small scale industry, where the condition of the wage earner depended largely upon his personal qualities, we have passed to a régime of large scale industry, where the individual worker is lost in the mass and where his economic welfare is largely bound up in the economic welfare of the class as a whole. More and more the wage earner has become part of a great impersonal mechanism. As his inability to control his individual condition has increased, his economic insecurity has increased.

Many wage earners are now unable to support themselves and their dependents if they become ill or otherwise disabled, or if they have irregular work; nor can they, in case of death, leave adequate provision for their families.

These contingencies have in the past been viewed either with indifference by the community, or have been left to public and private charity, which is admittedly entirely unable to cope with the problem. Not only social justice but social economy demands that these contingencies be met by: (1) insurance against accidents; (2) insurance against sickness; (3) insurance against old age and invalidity; (4) insurance against death, or, as it is more usually called, life insurance; and (5) insurance against unemployment.

Health Insurance

New York has already recognized the need of accident insurance. Experience is showing that accident insurance is highly beneficial to workmen and economically profitable to employers. But facts indicate that wage earner's sickness is more prevalent, more economically wasteful than industrial accidents. According to conclusions drawn from European statistics, about 40 per cent of the workers annually suffer some sickness, while only 7 or 8 per cent suffer from industrial accident. On the basis of approximately 4,000,000 men and women gainfully employed in New York State, according to the census figures for 1910, there are annually about 1,600,000 cases of sickness in this state, each representing some economic loss to the community.

Nature of the Evil

"The whole subject of ill-health in industry is of profound social and economic importance . . . since the attainment of the highest degree of industrial efficiency is largely a question of relative freedom from disease, a maximum of physical strength, and a reasonable individual certainty of attaining to old age." (*Memorial on Occupational Diseases. Prepared by a Committee of the Association for Labor Legislation and Presented to the President of the United States, Sept.,* 1910, *p.* 1-2.)

"Diseases increase to an enormous, though incalculable, extent the sum total of misery which men, women and children have to bear; they prevent that enjoyment of the good things of life to which we are fully entitled by the extraordinary amount of hard work that we do, by the bounty of nature and the abundance of our inherited wealth." (EDWARD T. DEVINE, *Misery and Its Causes, p.* 84.)

"Because every-day illness is usually devoid of the picturesque element of accidental injury, because it is less sudden, more insidious, few people recognize that, with the exception of a few extra-hazardous trades, disease is much more destructive of economic standards than are industrial accidents." (I. M. RUBINOW, *American Labor Legislation Review, Vol. III, No.* 2.)

Extent of the Evil

The amount of sickness in this country has never been accurately determined, but that it is very great has been frequently attested by workers in hospitals and charitable societies and by other competent observers of social conditions. The following table is adapted from the Memorial on Occupational Diseases, the figures in which were based on German experience:

Estimate of Sickness and Its Cost Among Occupied Males and Females in New York State, 1910, (4,003,844)

(a)	Estimated number of cases of sickness, on the German basis of 40% of the number of persons exposed to risk.	1,601,537
(b)	Estimated number of days of sickness on the German basis of 8.5 days per person per annum.....	34,032,674
(c)	Estimated loss in wages at an average of $1.50 a day for 6/7 of the 34,032,674 days.....	$43,756,294.50
(d)	Estimated medical cost of sickness at $1 a day for 34,032,674 days	34,032,674.00
(e)	Estimated economic loss at 50 cents a day for 6/7 of the 34,032,674 days	14,585,431.50
(f)	Total social and economic cost of sickness, per annum...	92,374,400.00
(g)	Estimated possible economic saving in the health of individual workers on a basis of 25% reduction per annum	23,093,800.00

"A careful estimate indicated that in the United States not less than 3,000,000 persons are seriously ill all the time. Of these 3,000,000 persons, about 900,000 are males, fifteen years of age and over. Making the moderate estimate that 500,000 of these are wage-earners with families, we get some idea of the part that illness plays in recruiting the army of the disinherited and ineffective. It is safe to say that illness depresses the lot of more than 200,000." (HENRY R. SEAGER, *Social Insurance, p.* 17.)

Effect upon Society of Unregulated Conditions

"It is now a matter of universal acceptation that personal or public efficiency, mental normality, family equilibrium, yes, sound citizenship itself, reduces in the last instance largely to terms of physical well-being or health. . . . Perhaps the most important single advance of recent years is the acceptance of the conclusion that the preservation of the public health is a public and, hence, an official responsibility." (LIVINGSTON FARRAND, *Health and Productive Power, in report of National Conference of Charities and Correction for* 1913, *pp.* 159-162.)

"At present, in the United States, the burden of the loss (due to sickness and death) is borne by the individual who, in many instances, is broken by the extra load and is added to the number of impoverished or destitute to be cared for by the community. It is the dread of this which drives the individual to work when too ill, and causes him to return to work before he is well and strong." (B. S. WARREN, *Sickness Insurance, Bulletin No.* 250, *United States Public Health Service, p.* 3.)

The wage earner's illness deprives his family of income and is therefore a frequent cause of poverty. In this way many families otherwise capable of taking care of themselves are thrown upon the community for support. The following reports from private charity societies in New York State indicate to how large an extent this is the case:

ITHACA: Illness given as "principal cause" in forty-one cases out of 147. (1914.)

GLENS FALLS: Illness given as a cause of distress in twenty-nine cases out of 110. (1914.)

CORNING: Illness "appeared as a disability" in ninety-three cases out of 199. (1913.)

ROCHESTER: Illness recorded as present in 149 cases out of 1,212. (1914.)

BUFFALO: Illness in some form appeared during the year in nearly one-half of the families dealt with. (1913.)

NEW YORK CITY: United Hebrew Charities notes tuberculosis as a primary cause of distress in 862 cases, other sicknesses in 1,366 cases, and physical defects in 212 cases out of 6,498 applications for 1912-1913, making a combined percentage of 37.55 per cent of cases in which illness or physical defect was the primary cause of distress. Visitors for the Association for

 assigned illness as the chief cause of dependency in 42.2 per cent of the cases. Illness was the largest single cause of dependency assigned by the visitors of that association.

Among 5,000 families which came under the care of the district committees of the New York Charity Organization Society in the two years ending September 30, 1908, Dr. Devine found that there was some kind of physical disability in 764 out of every 1,000 cases, and several kinds of physical disability in some.

Legislation in Foreign Countries

Since 1884, when the first law was passed in Germany, compulsory health insurance has had a rapid development in Europe. Ten countries now have such laws. A few countries have compulsory health insurance for certain groups of workmen—France, for miners, seamen and railroad employees, and Italy and Russia for railroad employees. Besides this, five European countries—Sweden, Denmark, Belgium, France and Switzerland—have systems of voluntary government subsidized health insurance. In 1911 from 12,000,000 to 13,000,000 persons were insured under the German compulsory system. The British compulsory law dates from 1911 and includes 14,500,000 persons.

"The mean number of persons other than miners insured under the sickness insurance laws (in Germany) in 1912 was 13,217,705, as compared with 13,619,048 in the preceding year. The total number of 'cases' dealt with during the year (persons who receive compensation more than once being counted each time as a separate 'case') was 5,633,956, the average amount of compensation per case was £3,2s.,9d., and the total income amounted to £24,777,487. The total expenses during the year amounted to £23,668,448, including £3,742,349 carried to the reserve fund. At the end of the year the accumulated funds reached an aggregate of £15,105,573.

"In the funds for the compulsory insurance of miners 932,877 persons were insured in 1912, as compared with 899,716 in 1911. The number of cases of sickness recorded was 539,276. The total expenditure during the year was £2,014,487, of which £1,914,120 was for sick relief. Costs of administration amounted to £87,542. At the end of the year the total property of the funds amounted to £1,549,324." (*Social Insurance in Germany in* 1912, *Board of Trade Labour Gazette, July,* 1914.)

The great value of the German system does not end with the payment of benefits. This system became famous for its preventive activity, which has resulted in a general improvement of health conditions and in a decrease in the amount of illness. The unique anti-disease crusade conducted by the German insurance societies has been productive of concrete results.

"Of patients treated for consumption in 1897, 68 per cent were reported to be so far cured at the end of treatment that there was no immediate fear of their becoming unable to earn their livelihood; this percentage steadily increased until in 1909 it had reached 83 per cent. In the case of other diseases the percentage of relative cures increased from 69 to 84 per cent during the same period." (W. H. DAWSON, *Social Insurance in Germany, p.* 200.)

"The average duration of life in Germany has increased for males from 38.1 years to 48.8 years; for females from 42.5 years to 54.9 years; and this lowered mortality rate is in great part due to the curative and preventive work of the insurance system." (PROFFESOR ZACHER, *German System and Foreign Countries, Arbeiterversorgung, March* 21, 1911.)

"The experience of all countries in which it has been established has demonstrated that sickness insurance will in no way disappoint those who advocate it as a measure for the relief and prevention of sickness and poverty." (B. S. WARREN, *Sickness Insurance, Bulletin No.* 250, *United States Public Health Service.*)

Present Status of Health Insurance in America

State insurance against sickness, although well developed in most European countries, remains an untried form of legislation in America. The only kind of health insurance that has so far been developed is the voluntary form maintained by such private organizations as trade unions, fraternal societies, a few large industrial establishments, mutual insurance companies, and occasionally stock insurance companies.

Forms of Voluntary Insurance

In summarizing the main findings of a study of health insurance in New York City, made for the American Association for Labor Legislation in 1914, it was stated that obviously "only a small part of the wage earners in this city are carrying sickness insurance. A large part of the workers are either unable to bear the cost or are disqualified. Discrimination is exercised against three probably numerous groups of people. These are: people not in good health, those engaged in hazardous occupations, and persons beyond the maximum age for admission. Women are also barred by many fraternals and by some of the mutual and stock companies." Other weak points besides the limited application of the system were found to be inadequate medical service, absence of preventive measures, and the lack of state control. The report states that "a large number of fraternal societies and all trade unions and estab-

lishment funds are outside of state supervision, so that no proper protection is furnished to the financial interests of the members."

"America has no system of industrial insurance, but a beginning has been made from various starting points—local societies, trades unions, fraternal societies, employers' initiative. Out of these fragmentary, unsystematic experiments, the nation has yet to develop a consistent and worthy social policy." (C. R. HENDERSON, *Industrial Insurance in the United States, p.* 62.)

"With very few exceptions the entire burden of the cost of sick-insurance falls upon the shoulders of the wage earners, which is neither ethically just nor socially expedient. Organized society, which influences economic conditions in so many different ways, has as yet done nothing to provide the wage worker with sick insurance, or even to help him to provide it for himself in the most efficient way. . . . As sickness is in reality a much graver economic problem even than industrial accidents, the next step in the development of social legislation in the United States . . . must be a system of sickness insurance." (I. M. RUBINOW, *Social Insurance, p.* 297.)

"Changing conditions in the United States will sooner or later, as in other countries, force the enactment of a law providing for sickness insurance." (B. S. WARREN, *Sickness Insurance, Bulletin No.* 250, *United States Public Health Service, p.* 3.)

Standards Adopted by Experts

As there has been so far comparatively little agitation in this country in regard to health insurance, few standards have been adopted here by organized bodies. A special expert committee on social insurance of the American Association for Labor Legislation after two years of study has adopted the following standards as a provisional program:

"1. To be effective sickness insurance should be compulsory, on the basis of joint contributions of employer and employee and the public.

"2. The compulsory insurance should include all wage workers earning less than a given annual sum, where employed with sufficient regularity to make it practicable to compute and collect assessments. Casual and home workers should, as far as practicable, be included within the plan and scope of a compulsory system.

"3. There should be a voluntary supplementary system for groups of persons (wage workers or others) who for practical reasons are kept out of the compulsory system.

"4. Sickness insurance should provide for a specified period only, but a system of invalidity insurance should be combined with sickness insurance so that all disability due to disease will be taken care of in one law, although the funds should be separate.

"5. Sickness insurance on the compulsory plan should be carried by mutual local funds jointly managed by employers and employees under

public supervision. In large cities such locals may be organized by trades with a federated bureau for the medical relief. Establishment funds and existing mutual sick funds may be permitted to carry the insurance where their existence does not injure the local funds, but they must be under strict government supervision.

"6. Invalidity insurance should be carried by funds covering a larger geographical area comprising the districts of a number of local sickness insurance funds. The administration of the invalidity fund should be intimately associated with that of the local sickness funds and on a representative basis.

"7. Both sickness and invalidity insurance should include medical service, supplies, necessary nursing and hospital care. Such provision should be thoroughly adequate, but its organization may be left to the local societies under strict governmental control.

"8. Cash benefits should be provided by both invalidity and sickness insurance for the insured or his dependents during such disability.

"9. It is highly desirable that prevention may be emphasized so that the introduction of a compulsory sickness and invalidity insurance system shall lead to a campaign of health conservation similar to the safety movement resulting from workmen's compensation." (*American Labor Legislation Review, Vol. IV, No.* 4, *pp.* 595-6.)

"On questions of administration there does not seem to be much difference of opinion as to the following provisions:

"1. The administration must be democratic and employees must have a voice in control in proportion to their contributions.

"2. The insured persons must have a feeling of ownership and responsibility for the proper conservation of the funds.

"3. An efficient medical service must be provided and closely related to the public health authorities, so that the clinical and preventive medical benefits may yield the best results." (B. S. Warren, *Bulletin No.* 250, *United States Public Health Service.*)

Unemployment Insurance

Nature of Unemployment

Unemployment is beginning to be recognized as one of the most disastrous of the economic evils of the present day—not only in its effect upon the individual worker, but upon society as a whole. Besides the gradual deterioration of character and of health almost certain to result to the individual from long periods of enforced idleness, the support of the idle and their dependents is a serious problem to society.

The conditions of last winter did much to familiarize the public with the nature of this evil. But this particularly severe winter furnished a difference in degree only; the problem is always present. In addition to the notorious clothing trades with their exhausting

rush during half the year and the not much less harmful dull season during a large part of the remaining time, we see a large number of other very important industries all greatly affected by the seasonal character of their work.

"Every winter sees a seasonal rise in the number of unemployed, and every year an increase in the apparent unemployable. Bread lines gather upon the streets; private charity is wholly inadequate to meet the situation. . . . Out of these conditions I. W. W. agitations have arisen in many cities, with forcible assaults upon churches and other institutions." (FREDERIC C. HOWE, *"Unemployment," Century, April,* 1915, *p.* 843.)

"It is already evident that unemployment is a regular phenomenon of modern industry; that each trade has its own co-efficient of enforced idleness . . . that it is socially desirable to prevent or indemnify unemployment, so as to avert the economic and moral destruction of working people, the necessity for wholesale poor relief, and the desperation that mocks social order when life is not worth the effort it costs to sustain it." (CHARLES R. HENDERSON, *American Labor Legislation Review, Vol. III,* No. 2, *pp.* 172-3.)

Extent of Unemployment

"We find in the industrial centers of this state, at all times of the year, in good times as well as in bad, wage earners, able and willing to work who cannot secure employment. . . . The records of charitable societies show that from 25 to 30 per cent of those who apply to them for relief every year have been brought to their destitute condition primarily through lack of work. . . . Private employment offices can find work on the average for but one out of four of those who apply to them. . . . For every position secured by philanthropic employment bureaus there are about six applications. The census of 1900 found 25 per cent of those engaged in manufacturing and mechanical pursuits in New York State unemployed at some time during the year; over one-half of these were unemployed from one to three months." (*New York Commission on Employers' Liability and other matters, Third Report, p.* 2.)

"In two-thirds of the families who came under the care of the Charity Organization Society in New York City, in industrially normal times one or more wage earners are unemployed at the time of their application for aid." (EDWARD T. DEVINE, *Misery and Its Causes, p.* 117.)

Adequate statistics of unemployment among all wage earners, both organized and unorganized, are lacking. With regard to the former, partial information is furnished by the New York State Department of Labor. A bulletin issued by the Department in October, 1914, summarizes reports from 236 trade unions, which represent 25 per cent of the total union membership in the state. In the first six months of each of the years 1911-1914 the percentage of unemployed members was 22.2, 18.2, 19.1 and 25.8 respectively.

In the first half of the disastrous year 1908, 33.1 per cent of the members of the same unions were unemployed. It is commonly known that the amount of unemployment among the unskilled and unorganized workers is very much higher.

In February, 1915, the Federal Bureau of Labor made an investigation of the extent of unemployment in New York City. As a result, the number of unemployed was estimated at about 398,000. A little earlier in the season the Metropolitan Life Insurance Company, after making a canvass of 155,960 families, calculated on this basis that the number of unemployed was 442,000.

Effect upon Society

The extent to which unemployment is a cause of application for charity is shown by these figures from various charitable societies:

GRAND RAPIDS: Unemployment present in 48 per cent of 1,410 families dealt with during the year 1914.

MINNEAPOLIS: Unemployment and insufficient earnings figured in 24 per cent of the cases treated in November, 1914, and in 50 per cent of the cases two months later.

BOSTON: Charity Organization Society reports a 28 per cent increase in the number of cases during October and November, 1914, and a 48 per cent increase in January, 1915, as compared with the same months of the previous year.

BUFFALO: In 1913, a year when there was plenty of work, out of 2,264 dependent families cared for, 141 lacked work. In December, 1914, there were three times as many applications from able-bodied men as the year before.

ROCHESTER: Unemployment recorded as present in 151 cases out of 1,212 treated in 1914.

CORNING: Of 199 cases treated, unemployment appeared as a cause in seventy-eight; this was in the comparatively normal year of 1913.

ITHACA: Unemployment was given as a "principal cause" in eighteen cases out of 147; an average for the year 1914.

BROOKLYN: Charity Organization Society had 510 new and reopened cases in December, 1913, as against 668 in November, 1914, and 988 in December, 1914. In about 41 per cent of these unemployment is reported to be the chief factor.

NEW YORK CITY: The Charity Organization Society took up in the four months, November, 1914-February, 1915, 2,924 cases due to unemployment. This number, with the 3,508 cases for the same cause previously cared for, amounted to a total of 6,432 cases. (*All the above statistics compiled by the American Society for Organizing Charities.*)

Figures, however, tell only one side of the problem. Unemployment produces more far-reaching effects than a mere increase in the number of applicants for charity.

"Even more striking [than the ultimate effect] is the immediate effect of unemployment—the demoralization and degeneration of the workman who is out of a job. . . . The odd jobs he picks up bring in an uncertain and very insufficient income. His whole life becomes unsteady. From undernourishment and constant anxiety his powers—mental, moral and physical—begin to degenerate. Soon he becomes unfit to work. Finally he gives up in despair, his family is demoralized, pauperism and vagrancy result. In a large number of cases this is inevitable." (*New York Commission on Employers' Liability and Other Matters, Third Report, pp.* 9-10.)

"More good men have been transformed into embittered advocates of social revolution by unemployment than by any other single cause." (HENRY R. SEAGER, *Social Insurance, p.* 84.)

Present Status of Unemployment Insurance in Europe

In Europe unemployment insurance is widely recognized as an important measure against the evil of unemployment. In ten countries the government provides subsidies to unemployment insurance funds. In Norway and Denmark the subsidies come from the national government. In Luxemburg, France, Holland, Belgium and Switzerland they come from both the state and the municipality, in Germany and Italy from the municipalities alone. In all these countries unemployment insurance is voluntary. Subsidies are paid either to trade unions or to public unemployment insurance funds provided both organizations answer certain requirements prescribed by the law. The annual subsidies granted by the German cities to the trade union unemployment insurance funds alone amount to about 41,000 marks (over $10,000). Voluntary unemployment insurance with government subsidies exists in Great Britain also; the subsidies there are about one-sixth of the union's receipts from the dues.

But voluntary unemployment insurance, leaving with the worker the option to insure, and not making any provision for the less careful and thrifty, is considered a very inadequate way of meeting the problem of unemployment as compared with the highly effective method of compulsory insurance.

Great Britain, 1911, was the first country to introduce compulsory unemployment insurance. The law at present applies to workmen in seven building, construction and engineering trades where the extent of unemployment is best known. An extension

of the law is expected in the future. At present 2,250,000 workers are included, that is about 14 per cent of the country's 16,000,000 workers. In the year January 15, 1913-January 17, 1914, the sum £497,725 ($2,488,625) was spent on unemployment benefits. A very important part of the machinery of the law is the employment exchange. The law has brought into existence a national system of closely cooperating exchanges.

"It has been found possible to define the insured trades, to pay benefit to the unemployed workmen within these trades, and to make a saving on the actuarial estimate." (OLGA S. HALSEY, *"Compulsory Unemployment Insurance in Great Britain," American Labor Legislation Review, Vol. V, No. 2.*)

Unemployment Insurance in America

The only form of insurance against unemployment that has been so far developed in America is that furnished by a very few of the trade unions. There is practically only one important national union, that of the cigar makers, all locals of which pay a weekly out-of-work benefit. In a few other unions only certain locals have this provision. The out-of-work benefits paid by these rare unions are very meager; moreover, these unions are lacking in well developed systems of employment exchanges, nor can the trade union insurance system be combined with other preventive measures, as, for instance, the far reaching provision of the English insurance law by which an employer is entitled to refunds for each steadily employed worker.

As to the actual amount spent, "in 1905 not over $80,000, or about one-half of 1 per cent of the total expenditure of the principal unions was for that purpose," says Professor Seager in *Social Insurance.* In 1913 these benefits amounted to nearly $104,000, or about 5/7 per cent of the total expenditures for benefits, according to Bulletin 67 of the New York State Department of Labor.

Recommendations by Authorities

Among the methods urged for dealing with unemployment, state supervised unemployment insurance combined with a system of public employment exchanges occupies a conspicuous place. A large number of distinguished authorities on social problems, among whom are Professor Henry R. Seager, Dr. Edward T. Devine, Professor Charles R. Henderson, Ida Tarbell, and others, are in favor of unemployment insurance. The California Commission

of Immigration and Housing, the Chicago Commission on Unemployment and the New York Mayor's Committee on Unemployment also urge unemployment insurance. Such insurance furnishes to the unemployed insured worker a certain benefit and prevents destitution with its accompanying physical and moral deterioration. Contributions by the employer are also recommended as a part of an adequate insurance plan, because, according to authorities, unemployment is a "problem of industry, and not of character" and, therefore, industry should properly bear a part of the cost of unemployment insurance. The claim on the employer's finances will turn his attention to the regularization of industry with the aim of reducing the amount of unemployment, and, consequently, the cost of insurance also. Thus unemployment insurance will be not only a measure of relief but also one of prevention. A good deal of prevention will also be accomplished by the employment exchanges which are considered an indispensable part of an efficient insurance plan. Other preventive methods can be made parts of the insurance law, as for example, the above mentioned provision of the English law by which an employer is entitled to refunds for each steadily employed worker.

"Just as workmen's compensation has already resulted in the nation-wide movement for 'safety first,' and just as health insurance will furnish the working basis for a similar movement for the conservation of the national health, so the 'cooperative pressure' exerted by unemployment insurance can and should be utilized for the prevention of unemployment." (JOHN B. ANDREWS, *A Practical Program for the Prevention of Unemployment in America, May,* 1915.)

"While the method of unemployment insurance is yet to be worked out, there is a general agreement that the subject is already within the range of practical politics. No one acquainted with the evils to workmen and to society which arise from involuntary idleness can be blind to the need of prevention and indemnity; no one who has studied the general social causes of unemployment beyond the control of individual wage earners can doubt social responsibility. . . . The conclusion is that for a people which professes to be civilized, unemployment insurance has become a necessity. It is not a physical, but a moral necessity; we cannot retain our ethical standards and refuse to face our task." (CHARLES R. HENDERSON, *American Labor Legislation Review, Vol. III, No. 2, pp.* 172-3.)

In view of the adoption of health and unemployment insurance systems by other countries, we believe that it is the duty of the constitutional convention to submit to the voters of the state an amendment expressly authorizing the legislature to enact this species of legislation for the protection of wage earners. In the interest

of both clearness and brevity we think the compensation amendment recently adopted should be extended to cover not only industrial accident insurance but all the other forms of insurance we have enumerated. We therefore urge the adoption of the following amendment to take the place of and enlarge the scope of the compensation amendment:

2. Social Insurance (Including Workmen's Compensation)

"Nothing contained in this constitution shall limit the power of the legislature to enact laws for the payment or furnishing, either by employers, or by employers and employees, or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation or benefits, without regard to fault, for injuries, illness, invalidity, old age, unemployment or death of employees or for the adjustment, determination or settlement with or without trial by jury of issues which may arise under such legislation."

The wording has been carefully chosen and includes, we believe, everything of importance in the compensation amendment, details which are more appropriate in a legislative enactment being omitted.

This amendment should be supplemented by the following amendment which aims to restate in clear form one of the provisions of the compensation amendment:

3. Amendment of Sec. 18, Art. I.

"The right of action now existing to recover damages for injuries resulting in death shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation. This section shall not affect legislation providing compensation for injuries or occupational diseases of employees or for death resulting from such injuries or diseases."

Our purpose in urging these amendments is not to advocate the immediate adoption of an all embracing system of social insurance. We do believe, however, that the same reasons that have commended social insurance legislation to European countries are already operative in the United States and that our state legislature should be empowered to enter this field, subject, as it of course will still be, to the due process limitation of the Fourteenth Amendment.

NEED OF LEGISLATION REGULATING AND IN EXTREME CASES PROHIBITING HOME WORK AS A MEANS OF REMEDYING THE SWEATING SYSTEM

Existing Conditions

The real nature of tenement home work has been and still is little realized. It is generally looked upon as an easy and desirable method for the poor, especially for poor widows, to earn a living in their frequent intervals of leisure from household work. In reality, however, experience not only in New York and elsewhere in the United States, but in many countries, has proved that tenement home work is a menace to health, both of the workers and of the community at large; that it unjustifiably invades the homes of the workers, imposing upon them legitimate factory costs; that it lowers wages and efficiency; and that it frustrates existing labor laws by transferring factory work into the tenements.

Dangers of Tenement Home Work

Tenement home work is dangerous to the health of the workers, and to the health of the whole community through infection and contagion.

The danger to the health of the worker in tenement house manufacture is due to the congestion of work in, and the unsanitary conditions of, living and sleeping rooms, together with excessive hours of labor.

Homeworkers have none of the hygienic safeguards provided by law for factory workers, such as a specified period of work, freedom from night work, and minimum sanitary requirements. On the contrary, the combination of household duties and wage work lengthens their hours of labor far into the night. At rush periods, when orders must be completed overnight, their hours are limited only by physical exhaustion.

"The relation of the home-work system to the campaign for stamping out tuberculosis was thus defined by Dr. S. Adolphus Knopf, professor of diseases of the lungs at the New York Post-Graduate Medical School:

" 'The work in the tenements by adults, as well as by children, I hold largely responsible for the great morbidity and mortality of tuberculosis in this city. The bad ventilation of the tenement house, added to the inhalation of dust by the workers, and the frequency of tuberculosis among them, causes the fearful condition which we are now trying to combat. I

firmly believe that if we could do away with this one source of propagation of tuberculosis, we would reduce the mortality and morbidity very greatly.

"'You know how tuberculosis spreads. One single individual in a family is capable of infecting a number of them within a very short time. Most of the tubercular workers are not trained and are not educated in how to dispose of their sputum. They expectorate more or less, and when this carelessly expectorated material dries and is pulverized, and is inhaled with the dust in the so-called factory at home, it is inevitable that any number of them become infected.

"'In the Gouverneur Hospital dispensary for tuberculars we have made very careful tabulations and found that 37 per cent of all the tuberculars who applied there for relief were garment workers. It is among the workers in this trade that tuberculosis is most prevalent.

"'We will never be able to eradicate this disease from our midst unless we take energetic steps and stop work at home. Every tenement home which is utilized for work predisposes the workers to tuberculosis. They inhale the bad air; they work long hours, and in addition, very often are underfed.

"'We spend millions of dollars annually in this city and other cities for the cure of tuberculosis, and we spend that money in vain, because by our deficient laws . . . we produce consumptives every day anew, and all the millions of dollars spent for their cure and care is useless.'" (*Second Report, New York Factory Investigating Commission, Vol. I,* 1913, *"Manufacturing in Tenements," pp.* 98-99.)

"The high infant mortality rates in those sections inhabited mostly by home finishers are an index to the health of the mother also.

"In the New York block designated Block I, one of every nine children dies before it attains the age of five years. The death and disease rates are abnormal. The death rate for all ages for the City of New York in 1905-6 was 18.35 per 1,000, and for those under five years it was 51.5; but in this block it was 24.9 for all ages, and for those under five years it was 92.2.

"The home finishers in the two congested blocks described seemed to be the poorest visited in New York, to have the dirtiest homes, lowest standard of living, and the highest disease and death rate of any section of the city." (*Report on Condition of Woman and Child Wage Earners in the United States, Vol. II, "Men's Ready-Made Clothing."*)

The danger to the community from tenement home work is due to the fact that it is frequently carried on in homes where there are infectious and contagious diseases. One physician testified before the New York Factory Investigating Commission in 1913, that during the year she found 79 families suffering from contagious diseases, out of 182 families doing home work. All sorts of articles are found in process of manufacture at the bedside of persons ill with such diseases as scarlet fever, typhoid, measles, diphtheria and tuberculosis. Tuberculosis patients themselves, in all stages of the disease, are found at work in tenement

houses. The ultimate buyers or consumers of articles so manufactured are unaware of their origin and of the risk of so acquiring germ diseases they may transmit.

"Among home-working families our investigators found many cases of impetigo, a loathsome skin trouble, which is contagious and practically due to dirt. A child, whose face and head were sore with this eruption, was seen playing with a felt slipper just manufactured. In another instance, a child with this disease was lying on a bundle of finished clothes, while in a third case, a little girl suffering with impetigo was picking nuts for a factory.

"In one apartment visited a woman was found working on passementerie, while her young son was lying in bed ill with the measles.

"Dr. Annie S. Daniels, who has been a practicing physician since 1876, and who is now in charge of the outdoor practice of the New York Infirmary for Women and Children, testified that during the year ending October, 1912, she had found in her visits in tenements 182 families engaged in home manufacture of some description. Of these, thirty-five families were at work in unlicensed houses. Part of her testimony was as follows:

"'I have found during this past year, 182 families, seventy-nine with contagious diseases doing this tenement house work. One family was embroidering monograms, and three of the children were sick with measles. The woman was embroidering monograms on table napkins. I found sixteen cases of scarlet fever during the entire time. Where they had scarlet fever most of the people were finishing men's clothing; that is, doing all the hand sewing that is done on men's coats and trousers. The children had scarlet fever. The work was being done in the same room where they were sick, and during the convalescence of the child, by the child, sometimes while the child was peeling. The law requires us to report every one of those cases . . . the notice of the Board of Health of a contagious disease was on the door while the work was going on. I found nine cases of tuberculosis among the 182 families, all of them working. Tuberculosis can be carried. There was one family where they were making buttons for women's clothes; that is, covering buttons for women's clothes. One of these children was three years old; the mother had tuberculosis. The mother was working herself, and the children were working. I found two cases of poliomyelitis, an infectious paralytic disease of children. The exact nature of how that is carried is not known. It is contagious from child to child. It is a very horrible disease. I know one case where the child died and the woman hardly stopped her work while the child was dying. She was finishing trousers. I was present at that time.'" (*Second Report, New York Factory Investigating Commission, Vol. I.* 1913, *"Manufacturing in Tenements," pp.* 97-8.)

Tenement Home Work Economically Unsound

Tenement house work is economically unsound. It imposes on the workers costs which should be borne by the employer, such as rent, light, heat and insurance. It increases one of the

greatest industrial evils, irregularity of employment. Since the employer of home workers has no capital invested in his plant and no overhead charges, he can take on and dismiss employees absolutely at will. He need not try to plan in advance for rush seasons, as he must, at least to some extent, for more permanent employees. He can give out work to be completed in the shortest possible time in the tenements, by the combined labor of the entire family, adults and children, well and sick, and leave them destitute of work and strength when the short season is over. In the factory, on the other hand, the legal limitation of working hours at least conduces to greater regularity of work and spreading of seasons.

"Employers say that finishers take up too much room; consequently, rather than pay rent for such additional room, the factory is spread over innumerable bedrooms and kitchens. It means for the employers an actual saving in rental, in heating, lighting, furnishing, and otherwise so equipping a shop as to meet legal requirements, as well as a saving in shop supervision. There are but a few manufacturers who make garments on a large scale that do not shift part of the burden of the cost of these items to the shoulders of their workers. A small number of them provide sufficient space in the shop for the finishers to meet abnormal conditions at least, and only resort to home finishing during a rush period. The contractor, or the 'sweater,' as he is called, who makes up the bulk of the product in New York, seldom or never makes such provision. Most manufacturers have enough space for a few finishers, but very few have space for all that they require, and when they have the space they often prefer to send the finishing out to 'get rid of it' and the consequent responsibilities of supervision of workers." (*Report on Condition of Woman and Child Wage Earners in the United States, Vol. II, "Men's Ready-Made Clothing," p.* 302.)

"From the earnings of home workers certain factory expenses must be met by the home worker. The obvious costs of rent, light and heat are transferred to the home worker by the manufacturer. One woman did not work at night because she could not make enough to pay for the gas burned; another was found crocheting by the light from a street lamp.

"Moreover, the home worker often must provide her own equipment, such as crochet needles, scissors and sewing machine needles, and sewing machines with special attachments when such are required.

"In certain trades materials also must in many cases be paid for out of the home worker's wages. For example, workers in Irish crochet must buy their own crochet cotton. An Irish crochet yoke for which the worker received nine cents required an outlay of two cents for thread." (*Second Report, New York Factory Investigating Commission, Vol. I,* 1913, *"Manufacturing in Tenements," p.* 109.)

Tenement Home Work Reduces Wages

The wages paid to home workers are low in comparison to those received by factory workers. An investigation by the United States Bureau of Labor shows that 55 per cent of shop "finishers" investigated earned $5 or more per week, while only 7 per cent of the home finishers from the same establishments earned that amount.

The wages of homeworkers are not living wages. They are so low that few, if any, families are able to support themselves by home work alone. Homeworkers either earn merely supplementary wages, or must be helped by outside relief. Contrary to general supposition, the typical homeworker is not the widow with young children to support. Five years ago the United States Bureau of Labor showed that of about 500 home finishers in New York, 87 per cent were married women living with their husbands. In 1913 the New York Factory Investigating Commission confirmed and amplified these figures.

"Owing to the economic condition of the homes into which work is sent, the wages can be squeezed down to the lowest level. That this is done will be seen by this report. Where the manufacturer finds that he is enabled to get his work finished in the home for a price less than he would have to pay if the work were done in the factory, he most frequently prefers to have it done where it would cost him the least. So that the factory worker must either be satisfied with the low standard which has been set up by the home worker or else seek other work." (*Second Report, New York State Factory Investigating Commission, Vol. II,* 1913, *Appendix IV, "Report on Manufacturing in Tenements in New York State," p.* 742, ELIZABETH C. WATSON.)

"Miss Lillian D. Wald, of the Nurses' Settlement, director of the work of eighty-five nurses who visit the sick in their homes throughout Greater New York, gave the following testimony:

" 'In all these cases where there is no man in the family, or the man is sick and unable to work, the family, even with the children working, is not able to support itself. They have to be helped by charity anyhow. It is only a question of degree of help.'

"Few, if any, households are dependent solely, or even chiefly, upon home work for support." (*Second Report, New York Factory Investigating Commission, Vol. I,* 1913, *"Manufacturing in Tenements," p.* 111.)

"It will be noticed that of the married shop finishers none earned less than $2 in a full week, while practically 15 per cent of the married home finishers earned less than that amount; that 55 per cent of the married shop finishers earned $5 or more, and only 7 per cent of the married home finishers earned that much; that a little more than 50 per cent of the married home finishers earned less than $3 a week.

"About 51 per cent of the married shop finishers earned $200 or more during the year, while the married home finishers were distributed as

follows: 13 per cent earned less than $50, nearly 45 per cent earned less than $100, and only 10 per cent of them earned as much or more than $200.

"These differences may be attributed to the interruptions to the work of the home finishers on account of other duties; the fact that they are older and less rapid workers; that the shop finishers get steady work while the home finishers may be overworked one day and idle the next, and the interruption in their work caused by going to and from the shop and waiting there to obtain work." (*Report on Condition of Woman and Child Wage Earners in the United States, Vol. II, "Men's Ready-Made Clothing," p. 226.*)

Tenement Home Work Frustrates Existing Factory Laws

Long experience has proved that neither sanitary laws nor child labor laws can be enforced in tenement homes. It would be even more impossible to enforce laws limiting the hours of labor for women and children. An army of inspectors, on duty day and night, would not suffice for such supervision. Compulsory school laws also are frustrated, since children of school age as well as the younger ones of 5 to 6 years are found at work during school hours and late into the night. The numbers of home workers found in unlicensed homes and in dirty and unsanitary licensed houses shows the complete failure of the licensing system in New York State, after 21 years of trial.

"While the legislature has been amending the statute designed to regulate the vast overflow of work from factories to tenement homes, and while the state's funds have been spent in the increasingly elaborate task of attempting to supervise home workrooms, the legislature at the same time has been seeking to develop an adequate plan of protection for women and child workers in factories. . . . The laws passed to protect women and children in factories by shortening hours and preventing employment at too early an age have never been extended to the home workers employed by factories. Furthermore, the unregulated condition of employees who work in the shop is an anomaly which tends to nullify the effect of every provision of the labor law in its application to trades employing home workers.

"One of the most serious charges brought against the home-work system is that it has made legally possible the work of little children in manufacturing pursuits at home, when the law rigidly excludes them from such occupations in the factories.

"To determine the extent of child labor at home is difficult. The work of children is easily concealed, and as a result factory inspectors find few children at work, whereas social workers, physicians and teachers state that little children are often steadily employed in home work. In some of the occupations, like hand embroidery, the work is too highly skilled to be done by very little children. In several households visited there were no children under sixteen. The investigators reported that seventy-nine school

children in forty-seven families were actually found at work after school. Fourteen others who were too young to attend school or who had dropped out as soon as they were fourteen admitted that they worked regularly. Of the seventy-nine children, seven were between five and eight years old, fourteen, eight to eleven; thirty-three, eleven to fourteen; twenty-five, fourteen or fifteen, while the ages of six obviously under sixteen were not recorded." (*Second Report, New York Factory Investigating Commission, Vol. I,* 1913, *"Manufacturing in Tenements," pp.* 90-104.)

Extent of the Evil

On February 1, 1915, there were almost 13,000 tenement houses in New York City licensed for manufacturing, and over 500 licensed tenements in the rest of the state. These figures, however, do not disclose the number of homeworkers, nor is there any method of ascertaining their number. Homeworkers abound in unlicensed as well as licensed houses. The report of the United States Bureau of Labor on men's ready-made clothing stated in 1910 that there are solid blocks in New York City "where, by actual count, more than three-fourths of the apartments contain home finishers." (*p.* 218.)

The New York Factory Investigating Commission reported in 1913 that in 193 factories investigated, the total number of factory employees was 4,330. In addition, these establishments gave work to 3,113 homeworkers, or 42 per cent of the entire number. "Even after an intensive investigation of an entire industry has been made," concludes the Commission, "it is impossible to state with any degree of accuracy what proportion of firms give out home work or how many homeworkers they employ." (*Second Report, Vol. I,* 1913, *p.* 94.)

Present Status of Legislation

For 21 years the state of New York has vainly sought to control the dangers of tenement home work by a system of licensing tenement homes for manufacturing. It was long supposed that through such a system at least the sanitary conditions of tenement home work might be inspected and controlled. The first licensing law was established in 1892. It provided that any homeworker engaged in finishing certain articles must obtain a license from the labor department for the apartment in which he lived and worked. From time to time this law has been amended and elaborated, but licensing is still required. The entire tenement house, instead of the individual apartment, must be licensed; there are detailed pro-

visions for inspection by the labor department before and after licensing, and for cooperation with both the department of health and the tenement house department.

But repeated investigations of tenement home work, official and unofficial, culminating in the recent studies of the New York Factory Investigating Commission, have revealed the futility of such a statute, however elaborate, and the impossibility of enforcing it. After 21 years the difficulties of inspection have been proved insuperable.

In 1913, therefore, the first legislation was enacted in New York State looking toward the abolition of tenement home manufacture. This law was drawn and passed by the efforts of the New York Factory Investigating Commission. It prohibits work for a factory in tenement homes, on certain specified articles, viz. any food products, dolls or dolls' clothing, children's or infants' wearing apparel. The prohibition includes work done directly for a factory or indirectly through the medium of contractors. These articles were singled out for prohibition on account of their obviously close relation to the public health, especially to the health of children.

In recommending the passage of this initial act the Commission expressed its belief that the law would eventually have to be extended, saying, "It is probable, however, that in the near future more radical action will be necessary," when "all manufacturing in tenement houses should be prohibited in the interest of the home-workers, of the dwellers in tenement houses and of the public at large." Nothing in the constitution, therefore, should stand in the way of the total prohibition of tenement home manufacturing.

With this end in view we submit as our fourth and last proposed amendment, the following:

4. Sweat Shops

"Nothing contained in this constitution shall limit the power of the legislature to enact laws prohibiting, in whole or in part, manufacturing of any kind in structures any portion of which is used for dwelling purposes."

We have phrased the amendment broadly because we can see no need or advantage in any further limitations on the power of the legislature to control home work than that contained in the due process clause of the Fourteenth Amendment.

In urging these four amendments upon the Constitutional Convention, we believe we voice the opinions and wishes of the majority of the people of the state. The great majority of the people are wage earners and their families. It goes without saying that they favor empowering the legislature to enact laws for their protection and benefit. The committee which urges these amendments is composed, however, for the most part not of representatives of wage earners, but of disinterested citizens—social workers, lawyers, students of economics, and even representatives of employers. The results that will be achieved, if these amendments are adopted by the Constitutional Convention and ratified at the polls, are:

(1) Substitution for the confusing and conflicting views of what "due process" requires in connection with labor legislation of the authoritative determinations of the Supreme Court of the United States. As other states amend their constitutions in the same way, the due process limitation will come to operate uniformly throughout the length and breadth of the land, and we shall be in a position for the first time, so far as constitutional limitations are concerned, to secure the uniform labor laws which we now so conspicuously lack.

(2) The opportunity to enact needed labor laws for protecting employees in dangerous trades, for limiting hours of labor in employments where they are now excessive, and for prescribing minimum wages where starvation wages now prevail, as soon as public opinion becomes convinced of the need and machinery can be devised for efficient administration and enforcement.

(3) The opportunity to develop an adequate system of social insurance for the protection of wage earners.

(4) Power to deal effectively with the sweating system in connection with home work.

There are no doubt differences of opinion as to whether some of this legislation is desirable in the United States. Doubts on this point should, we submit, be resolved in favor of so revising the constitution that the legislature shall have the same wide field for legislative discretion as regards labor legislation as it has, for example, in respect to tax legislation. Let those who oppose such legislation oppose it in the legislature and on the stump, not seek to stifle it by constitutional restrictions which cause increasing irritation to great bodies of our citizens! In view of the fact that all legislation in this field must still scrupulously abstain from depriv-

ing persons of life, liberty, or property without due process of law as it may be defined by the Supreme Court of the United States, we can see no sound reason for opposing these amendments. We earnestly urge their adoption.

APPENDIX I.

REPORTS AND EVIDENCE SHOWING NEED OF FURTHER REGULATION OF DANGEROUS TRADES

(1) Reports of various State Labor Departments for the last ten years.

(2) Reports of the New York State Labor Commissioner as to hazardous trades.

(3) Illinois Report on "Occupational Diseases."

(4) Reports of Dr. Andrews on "Phosphorus Poisoning in the United States" and "Lead Poisoning in New York."

(5) Reports of Rogers and Vogt on "Lead Poisoning" and "Arsenic Poisoning."

(6) Report of Dr. Pratt on "Lead Poisoning in New York City."

(7) Reports of Dr. Price on "Chemical Trades," New York State Factory Investigating Commission.

(8) Reports of Dr. McKenna, Grace Potter and others on "Dangers in Certain Chemical Trades," New York State Factory Commission.

(9) Dr. Fisher's Report on "National Mortality."

(10) List of Industrial Poisons, United States Bureau of Labor, Bulletin No. 100.

(11) Memorial on Occupational Diseases.

(12) Dr. Alice Hamilton, various reports and bulletins, United States Bureau of Labor Statistics.

(13) Prof. W. Gilman Thompson's work on "The Occupational Diseases."

(14) Dr. George M. Price on "The Modern Factory."

(15) Dr. Hayhurst's report on "Industrial Health Hazards and Occupational Diseases in Ohio."

(16) Frederick Hoffman's report on "Mortality of Workers from Consumption in Dusty Trades."

(17) Report of Mrs. Lindon W. Bates on "Mercury Poisoning."

APPENDIX II.

TABLES SHOWING THE PREVAILING HOURS OF LABOR IN REPRESENTATIVE INDUSTRIES IN THE UNITED STATES AND IN NEW YORK STATE

TABLE I

NUMBER OF U. S. WAGE-EARNERS, AND PER CENT OF TOTAL, WORKING SPECIFIED NUMBER OF HOURS PER WEEK, BY INDUSTRIES

Industry	Total Wage Earners Employed 1909	Hours per Week						
		60 hrs.	Per Cent	Between 60 & 72	Per Cent	72 hrs. and over	Per Cent	Per Cent 60 hrs. and over
Cotton	378,880	119,226	31.4	64,687	17.0	215		48.6
Hosiery & Knit Goods	129,275	49,934	38.6			4,927	3.8	42.4
Woolen Goods	168,722	45,300	26.8	1,075	.6			27.4
Silk	99,037	12,881	13.0					13.0
Cordage&Twine Jute&Linen	25,820	6,023	23.3	667	2.5			25.9
Dyeing & Twisting Textiles	44,046	12,639	28.6	1,628	3.6			32.2
Oilcloth & Linoleum	5,201	2,727	52.4					52.4
Blast Furnaces	38,429	1,149	2.9	4,057	10.5	33,033	85.9	99.5
Steel Works & Rolling Mills	240,076	82,130	34.2	30,267	12.5	52,318	21.7	68.6
Wire	18,084	10,232	56.5					56.5
Elec. Machinery Apparatus & Supplies	87,256	5,874	6.7			40		6.7
Shipbuildinginc. Boat Building	40,506	14,038	34.6	1				34.6
Agricultural Implements	50,551	16,307	32.2	131		1		32.3
Slaughtering	89,728	64,776	72.1	638		494		73.4
Butter, Cheese & Milk	18,431	6,379	34.6	6,825	37.0	932		76.6
Flour Mill & Grist Mill	39,453	19,060	48.3	4,660	11.8	7,470	18.9	79.0
Ice	16,114	2,007	12.4	1,975	12.2	10,549	65.4	90.1
Glucose&Starch	4,773	1,251	26.2	672	14.1	2,760	57.8	98.1
Salt	4,936	2,991	60.5	550	11.1	587	11.9	83.6
Sugar	4,127					3,920	95.0	95.0
Canning & Preserving	59,968	42,908	71.5	2,904	4.8	2,495	4.1	80.5
Lumber	695,019	469,292	67.5	90,983	13.0	2,312	.3	80.9
Musical Instruments	38,020	10,789	28.2					28.2

NUMBER OF WAGE-EARNERS, AND PER CENT OF TOTAL, WORKING SPECIFIED NUMBER OF HOURS PER WEEK, BY INDUSTRIES

—Continued

Industry	Total Wage Earners Employed 1909	Hours per Week						
		60 hrs.	Per Cent	Between 60 & 72	Per Cent	72 hrs. and over	Per Cent	Per Cent 60 hrs. and over
Chemicals	23,714	6,581	27.7	2,050	8.6	4,707	15.6	56.2
Explosives	6,274	5,344	85.2	136	2.2			87.4
Fertilizer	18,310	14,502	79.2	1,408	7.6	1,189	6.4	93.4
Essential Oils	290	172	59.3	15	5.2	28	9.6	74.1
Paint & Varnish	14,240	3,440	24.1	67		463		27.8
Sulphuric, Nitric & Mixed Acids	2,252	555	24.6	446	19.8	997	44.3	88.7
Coke	29,273	11,629	39.7	3,904	13.3	3,280	11.2	64.2
Petroleum	13,929	1,894	13.5	673		2,588	18.5	37.0
Soap	12,999	4,706	36.2	23		2		36.2
Gas	37,215	5,806	15.6	5,786	15.5	21,363	57.4	88.5
Steam Laundries	109,484	36,884	33.6	598	.5	147		34.3
Turpentine & Rosin	39,511	19,607	49.8	997		172		52.6
Boots & Shoes	198,297	29,339	14.7	221		12		14.7
Leather	62,202	30,981	49.8	2		7		49.8
Gloves & Mittens	11,354	1,122	9.8					9.8
Paper & Wood Pulp	75,978	22,941	30.1	14,882	19.5	16,457	21.6	71.4
Printing & Publishing	258,434	10,911	4.2	488		231		4.5
Automobiles	75,721	22,280	29.4	48		1,407	1.9	31.3
Carriages & Wagons	69,928	27,771	39.7	406	.5	59		40.3
Glass	68,911	10,764	15.6	3,423	4.9	4,133	5.9	26.5
Brick & Tile	76,528	50,613	66.1	1,979	2.5	493	.6	69.3
Pottery, Terra Cotta & Fire Clay	56,168	21,909	39.1	967		434		41.5
Carpets & Rugs	33,307	12,084	36.2					36.2

TABLE II

NUMBER OF WAGE-EARNERS IN SPECIFIED INDUSTRIES, U. S. AND NEW YORK, 1909

Industry	Total in U. S.	Number in New York	Per Cent of Total in New York
Cotton	37,880	10,633	2.8
Hosiery & Knit Goods	129,275	35,950	27.8
Woolen Goods	168,722	9,460	5.6
Silk	99,037	12,903	13.0
Cordage & Twine—Jute & Linen	25,820	5,952	23.0
Dyeing & Twisting of Textiles	44,046	5,252	11.9
Oilcloth & Linoleum	5,201	1,102	21.1
Blast Furnaces	38,429	2,298	6.0
Steel Works & Rolling Mills	240,076	10,091	4.2
Wire	18,084	1,439	8.0
Elec. Machinery, Apparatus & Supplies	87,256	18,972	21.7
Ship Building, incl. Boat Building	40,506	5,644	13.9
Agricultural Implements	50,551	5,717	11.3
Slaughtering	89,728	6,110	6.8
Butter, Cheese & Milk	18,431	2,866	15.5
Flour Mill & Grist Mill	39,453	2,990	7.6
Ice	16,114	1,124	7.0
Glucose & Starch	4,773		
Salt	4,936	1,525	30.9
Sugar	4,127		
Canning & Preserving	59,968	7,075	11.8
Lumber	695,019	27,471	4.0
Musical Instruments	38,020	11,938	31.4
Chemicals	23,714	5,746	24.2
Explosives	6,274		
Fertilizers	18,310	908	5.0
Essential Oils	290	18	6.2
Paint & Varnish	14,240	3,047	21.4
Sulphuric, Nitric & Mixed Acids	2,252		
Coke	29,273		
Petroleum	13,929	1,932	13.8
Soap	12,999	2,976	22.9
Gas	37,215	6,422	17.2
Steam Laundries	109,484	12,578	11.5
Turpentine & Rosin	39,511		
Boots & Shoes	198,297	21,627	10.9
Leather	62,202	5,688	9.1
Leather Gloves & Mittens	11,354	6,287	55.4
Paper & Wood Pulp	75,978	12,073	15.9
Printing & Publishing	258,434	63,120	24.4

NUMBER OF WAGE-EARNERS IN SPECIFIED INDUSTRIES, 1909
—Continued

Industry	1909 Total in U. S.	1909 in New York	1909 Per Cent of Total
Automobiles	75,721	9,861	13.0
Carriages & Wagons	69,928	6,116	8.7
Glass	68,911	3,114	4.5
Brick & Tile	76,528	8,080	10.6
Pottery, Terra Cotta & Fire Clay	56,168	2,367	4.2
Carpets & Rugs	33,307	11,898	35.7